

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Newport News Division



UNITED STATES OF AMERICA

v.

TIMOTHY ANDREW FUGIT

CRIMINAL NO. 4:07CR65

**STATEMENT OF FACTS**

If the United States were to try this case, the evidence that would be proved beyond a reasonable doubt would be:

On or about December 12, 2005, a ten year old female minor in Vinton, Virginia, Jane Doe #1, was in an America OnLine (hereinafter AOL) chat room, "Kid2Kid" chatting for approximately 30-45 minutes with Soccerbabe2u143" who claimed to be a 10 year old female named "Kimberly". Jane Doe#1 received permission from her grandmother to give out their phone number. Approximately five minutes later, an adult male claiming to be the father of Kimberly called Jane Doe #1 on the telephone. The adult male engaged the child in an inappropriate sexual conversation. Shortly thereafter, Jane Doe # 1 reported the incident to her grandmother, who promptly called the Vinton Police Department. A subsequent investigation revealed that the defendant, TIMOTHY ANDREW FUGIT, called Jane Doe #1. A short time later, investigators with the Virginia Internet Crimes Against Children Task Force, located in

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Bedford, Virginia, joined the investigation.

On January 17, 2006, investigators with the Vinton Police Department along with Virginia Internet Crimes Against Children Task Force ( hereinafter Va ICAC) obtained and executed a state search warrant on the defendant's two places of abode in Newport News, Virginia. During the execution of the search warrant, Investigator Rodney Thompson of the Va ICAC, spoke with the defendant who agreed to speak with Investigator Thompson after being advised that he was not under arrest and could have an attorney present. Investigator Thompson asked the defendant if he knew why he was there and the defendant responded "Because I have attempted to contact children on the computer and telephone". He also admitted that he used AOL and his AOL account had been previously bumped several times for inappropriate chat/contact with minors. When the defendant's wife arrived at the home during the search, the defendant told his wife that the police were there because he had a problem and he was a pedophile. The computers and other electronic storage media devices were seized during the search.

A forensic computer exam was conducted by United States Secret Service Examiner J. Luther Perry. He discovered on the defendant's computer, among other things, that on November 30, 2005, the defendant distributed, through his e-mail account, to another person, an image of "child pornography", as defined in Title 18, United States Code, § 2256 (2)(A)(B) and (8). This image was entitled "MA12233765-0002/1%20sis%20n%20bros.jpg," and it depicted an actual female child engaging in sexually explicit conduct with two male children, specifically, oral to genital sex and masturbation. The image depicts a prepubescent "minor" as defined in

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Title 18, United States Code, § 2256 (1). Furthermore, the image had been mailed and shipped and transported in interstate and foreign commerce by any means, including by computer.

On November 28, 2005, an 11 year old female minor in Columbia, Pennsylvania, Jane Doe #2, was in an AOL children's chat room #1, chatting with "Soccerbabe2u143" who claimed to be a female named "Kimberly". During the chat session on the computer, Kimberly asked questions of Jane Doe#2, regarding her breast size, how big her private parts were, her underwear, slumber parties and if she got naked in front of guys. The two exchanged telephone numbers and shortly thereafter an adult male claiming to be the father of Kimberly called Jane Doe #2 on the telephone. The adult male engaged the child in an inappropriate sexual conversation. Specifically, he asked her; had she seen a grown man naked, if she minded if he came in to check on her while she was naked, if she would mind seeing him naked and will she get naked for him. Shortly thereafter, Jane Doe # 2 reported the incident to her grandmother and mother and they called the police. Officers with the Columbia Borough Police Department obtained a search warrant to determine the identity of the screen name, "Soccerbabe2u143". AOL complied with the search warrant and identified the user as the defendant, TIMOTHY ANDREW FUGIT, living in Newport News, Virginia.

The defendant's cell phone records were obtained and he made a number of phone calls in the afternoon of November 28, 2005, using a pre-paid calling card.

The defendant admits that he knowingly persuaded, induced, enticed or coerced Jane Doe #2 to engage in a sexual activity, to wit; Taking Indecent Liberties with Children, in violation of §18.2- 370 of the Code of Virginia 1950, as amended, for which he could be charged.

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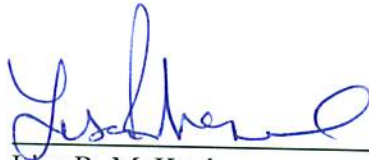
The defendant, at the time of these offenses was 24 years old, lived in Newport News, Virginia, and was employed with the United States Navy.

These events occurred in the Eastern District of Virginia and elsewhere.

Respectfully submitted,

Chuck Rosenberg  
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By:




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After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, and the United States, I hereby stipulate that the above Statement of Facts is a partial summary of the evidence which is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

  
TIMOTHY ANDREW FUGIT

7/20/07  
Date

I am TIMOTHY ANDREW FUGIT's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

  
James O. Broccoletti, Esq.  
Counsel for defendant

7-20-07  
Date